

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 2-10 and 12-15 are amended to correct antecedent basis. No new matter has been added. Claims 1-15 remain actively pending in the case. Reconsideration of the claim is respectfully requested.

In paragraph 3 on page 2 of the Office Action, claims 2-10 and 12-15 are objected to because claims 2-10 should cite the limitation of "The method" and not "A system" as the claims are dependent on the system of claim 1, and claims 12-15 cite the limitation of "The method" and not "A method" as the claims are dependent on the method of claim 11. Applicants respectfully traverse the objection but in the interest of furthering prosecution have amended the claims as suggested by the Examiner. Applicants respectfully request that Examiner withdraw the objection.

In paragraph 5 on page 3 of the Office Action, claim 14 is rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse the rejection, but in the interest of prosecution have amended the claims as suggested by the Examiner. Therefore, in view of the above remarks, Applicants respectfully request that Examiner withdraw the rejection.

In paragraph 7 on page 3 of the Office Action, claims 1, 2, 4, 9, and 11-14 were rejected under 35 USC §103(a) as being unpatentable over Angiulo et al. (6,275,829) in view of Watanabe et al. (6,578,072). In paragraph 11 on page 7 of the Office Action, dependent claims 3, 5-6 and 8 were rejected under 35 USC §103(a) Angiulo and Watanabe, in view of Tomat et al. (6,784,925). In paragraph 35 on page 9 of the Office Action, dependent claim 7 was rejected under 35 USC §103(a) as being unpatentable over Angiulo, Watanabe and Tomat in view of Motoyama (2001/0054063). In paragraph 39 on page 9 of the Office Action, dependent claim 10 was rejected under 35 USC §103(a) as being unpatentable over Angiulo, Watanabe and Tomat in view of Uchiyama (6,731,341). In paragraph 43 on page 10 of the Office Action,

dependent claim 15 was rejected under 35 USC §103(a) Angiulo and Watanabe in view of "Official Notice".

Angiulo fails to teach or suggest at least a device for creating an electronic icon containing information unique to a particular user including information allowing access with respect to a particular digital media file having said icon associated therewith over a communication network by a third party as required by Applicants' claims 1 and 11. As admitting by the Office Action, Angiulo "does not teach that the icon contains information allowing access and information unique to a particular user." Rather, Angiulo discloses creating a thumbnail sized image that represents a reduced size of an original (larger) image. The thumbnail sized image can be inserted into a Web page providing a hyperlink associated to the original image. At best, the thumbnail image of Angiulo contains information to a particular (i.e., original) image, not information unique to a particular user. *See* Col. 7, lines 28-39.

Watanabe fails to remedy the deficiencies of Angiulo as Watanabe also fails to teach or suggest at least a device for creating an electronic icon containing information unique to a particular user including information allowing access with respect to a particular digital media file having said icon associated therewith over a communication network by a third party. Rather, Watanabe discloses that thumbnail images 25 are "low resolution images . . . having a lower resolution than that of the original image data." *See* Col. 6, lines 4-8. A plurality of thumbnail images 25 can be registered into groups (Register Group A, B) by a system and network albums 26a-c can be formed therefrom. *See* Col. 7, lines 1-67; Fig 3. At best, Watanabe discloses that a serial number can be associated with each thumbnail image 25 and an image ID 29 maps the thumbnail image 25 to the network album. *See* Col. 7, lines 60-67; Figs. 4.

Furthermore, to access an album, the user must input a user ID and user password at a browser. *See* Col 8, lines 37-47; Fig 6. In sharp contrast, in Applicants' invention, the electronic icon contains information unique to a particular user including information allowing access with respect to a particular digital media file by a third party. Thus, the thumbnail image 25 of Watanabe is not an electronic icon containing information unique to a particular user including information allowing access with respect to a particular digital media file having

said icon associated therewith over a communication network by a third party as required by Applicants' independent claims.

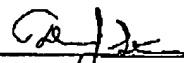
Thus, it is submitted that further consideration of claim rejections under 35 USC 103(a) upon the citing of the third applied prior art reference to Tomat and Motoyama, is moot, inasmuch as the combination of Angiulo, Wantanabe, Tomat and Motoyama still lack any teaching, disclosure, or suggestion concerning a device for creating an electronic icon containing information unique to a particular user as previously discussed.

Therefore, in view of the above remarks, Applicants' independent claims 1 and 11 are patentable over the cited references. Because claims 2-10 and 12-14 depend from claims 1 and 11 respectively, Applicants respectfully submit that claims 2-10 and 12-14 are also patentably distinct over the cited references. Nevertheless, Applicants are not conceding the correctness of the Office Action's rejection with respect to such dependent claims and reserve the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Deposit Account No. 05-0225.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.